

FINDINGS OF FACT and CONCLUSIONS

TH 23 North Gap: 2-Lane to 4-Lane Conversion Project from Paynesville to Richmond

State Project No. 7305-124

**Prepared by:
Minnesota Department of Transportation**



December 2017

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FINDINGS OF FACT AND CONCLUSIONS

TH 23 North Gap: 2-Lane to 4-Lane Conversion Project from Paynesville to Richmond

**Located in:
Stearns County, MN**

1.0 STATEMENT OF ISSUE

The proposed project will expand approximately 8.7 miles of the existing 2-lane highway to a 4-lane divided highway. The project will retain the majority of the existing 2-lane roadway as a portion of the 4-lane design. From the western termini of the project through the Roscoe Waterfowl Production Area, a lane is added on the north side of the existing alignment. Near the City of Roscoe, both new lanes of the project are shifted south of the existing TH 23 alignment for approximately 0.5 miles. East of the City of Roscoe, the project ties back into the existing highway corridor. Following, expansion lanes are located north of the existing highway through the eastern termini.

Preparation of an Environmental Assessment Worksheet (EAW) is required for this project under Minnesota Rules 4410.4300, Subpart 22.A, for construction of a road on a new location over one mile in length. The Minnesota Department of Transportation (MnDOT) is the project proposer. MnDOT is also the Responsible Governmental Unit (RGU) for review of this project, as per Minnesota Rules 4410.4300, Subpart 22.A.

MnDOT's decision in this matter shall be either a negative or a positive declaration of the need for an Environmental Impact Statement (EIS). MnDOT must order an EIS for the project if it determines the project has the potential for significant environmental effects.

Based upon the information in the record, which comprises the EAW for the proposed project, related studies referenced in the EAW, and other supporting documents included in this Findings of Fact and Conclusions document, MnDOT makes the following Findings of Fact and Conclusions:

2.0 ADMINISTRATIVE BACKGROUND

- 2.1 The Minnesota Department of Transportation is project proposer and the Responsible Governmental Unit for the Trunk Highway 23 North Gap: 2-Lane to 4-Lane Conversion Project from Paynesville to Richmond. A State Environmental Assessment Worksheet (EAW) has been prepared for this project in accordance with Minnesota Rules Chapter 4410. The EAW was developed to assess the impacts of the project and other circumstances in order to determine if an Environmental Impact Statement (EIS) is indicated.

- 2.2 The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments to the required EAW distribution list. A “Notice of Availability” was published in the EQB Monitor on October 16, 2017. The EAW was also posted on the project web site at: <http://www.dot.state.mn.us/d8/projects/hwy23/gappaynesvillerichmond/index.htm>

A press release was distributed to local media outlets. **Appendix A** contains a copy of this press release. The notice provided a brief description of the project and information on where copies of the EAW were available for public review and how comments could be submitted and were to be used in determining the need for an EIS on the proposed project.

- 2.3 The EAW was made available for public review at Willmar Public Library in Willmar, and the MnDOT District 8 Office Building Lobby in Willmar. Comments were formally received through Wednesday, November 15, 2017.
- 2.4 Two comments were received during the EAW comment period. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. Comments received during the comment period and responses to substantive comments are provided in **Appendix B**.

3.0 FINDINGS OF FACT

3.1 Project Description

- 3.1.1 Existing Conditions: The TH 23 Corridor extends southwest to northeast across Minnesota from Interstate 90 (I-90) to Interstate 35 (I-35) and beyond. It connects many cities including Pipestone, Marshall, Granite Falls, Willmar and St. Cloud. The segment of TH 23 between Willmar and I-94 is a distance of approximately 53 miles. Of those 53 miles, all but 15 miles have been constructed as a four-lane roadway. TH 23 between Paynesville and Richmond is one of two remaining segments of two-lane roadway from Willmar to St. Cloud, and part of the long-standing effort to construct a four-lane road for the length of the corridor. Existing land use and development within the study area is rural in nature. Agricultural and rural residential uses dominate the landscape, with more dense residential and commercial/industrial uses concentrated in Paynesville, Roscoe, and Richmond.
- 3.1.2 Proposed Project: The proposed project as identified in the EAW includes the conversion of TH 23 from the City of Paynesville and to the City of Richmond from its current configuration as a two-lane highway section, to a four-lane divided highway section. The project length is approximately 8.7 miles and is located within Stearns County.

Near Paynesville, at the westerly termini of the project, the expansion lane of the preferred alternative widens TH 23 along the north side of the existing alignment. The alignment of the additional lane remains north through the Roscoe Waterfowl Production Area (WPA). Near the City of Roscoe, both lanes of the preferred alternative shift south of the existing TH 23 alignment for approximately 0.5 miles. This shift of the highway moves the highway further from the City of Roscoe and corrects curve deficiencies (for

the proposed design) along the existing highway corridor. Continuing east of the City of Roscoe, the preferred alternative ties back in with the existing highway corridor. From this point, the expansion lanes are located on the north side of the existing highway through the eastern termini.

3.2 Additional Information Regarding Items Discussed in the EAW Since It Was Published

Based on a comment received, MnDOT is investigating a bicycle and pedestrian crossing at Becker Lake Circle and TH 23.

3.3 Findings Regarding Criteria for Determining the Potential for Significant Environmental Effects

Minnesota Rules 4410.1700 provides that an Environmental Impact Statement shall be ordered for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the following four factors described in Minnesota Rules 4410.1700, Subp.7 shall be considered:

- A. type, extent, and reversibility of environmental effects;
- B. cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
- C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and
- D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

MnDOT's key findings with respect to each of these criteria are set forth below:

3.3.1 Type, Extent, and Reversibility of Impacts

MnDOT finds that the analysis completed during the EAW process is adequate to determine whether the project has the potential for significant environmental effects. The EAW describes the type and extent of impacts anticipated to result from the proposed project. In addition to the information in the EAW, the additional information described in Section 3.2 of this Findings of Fact and Conclusions document as well as the public/agency comments received during the public comment period (see **Appendix B**) were taken into account in considering the type, extent and reversibility of project impacts. Following are the key findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts:

3.3.1.1 Land Use:

Land Use and Development: The project is not expected to cause substantial change in land use within the vicinity of the reconstruction limits. It is not anticipated to lead to the development of any large scale commercial, industrial, residential or other development. Future land use plans will perpetuate the ways in which project area land is used. The project will result in eleven parcels and three homesteads impacted.

Prime or Unique Farmland: The proposed project will result in the conversion of approximately 165 acres of land with farmland designated soils to a transportation use. This assessment is based on soil classification, and not whether land is tilled. Access to all affected agricultural fields in the area will be maintained and remaining parcels will retain adequate size for continued farming. It is anticipated that no farmland will be triangulated or isolated. Right-of-way acquisitions will largely be focused on property edges. As a result, the project is not anticipated to cause substantial adverse impacts to agricultural land or farming operations. The project will not have a substantial effect upon agricultural production in Stearns County.

Parks and Trails: The Glacial Lakes State Trail runs north of TH 23 from approximately Roscoe to Richmond for a distance of about six miles. The trail is owned and operated by the MnDNR. The trail is located outside of the proposed right of way for the majority of the proposed project area. However, at the closest point, the trail is only approximately 110 feet (centerline-to-centerline) north of the existing TH 23 corridor. The trail is immediately adjacent to TH 23 for approximately 0.75 miles starting at the bridge over the Sauk River (near Richmond) and extending to the west.

The project will result in the relocation of approximately 0.75 miles of Glacial Lakes State Trail and an estimated 9.6 acres of trail right of way to be acquired. Alternatives were evaluated to consider ways to avoid impacting this section of trail. The north alignment is considered the preferred alternative due to fewer acres of wetland impacts, fewer impacted parcels, fewer relocations, less impact to highly erodible soils, no floodplain encroachment, and a lower estimated cost.

3.3.1.2 Water Resources:

Surface Waters: The project will not involve work in surface waters. Several water features are located in close proximity to the project area, including Becker Lake, Big Lake, the Sauk River, and Kolling Creek. Fifteen other bodies of water and surface waters are located within one mile of the project area. Runoff from construction sites can impact downstream surface waters which is mitigated by the temporary and permanent BMPs required under the NPDES/SDS Construction Stormwater Permit. Temporary erosion and sediment control measures will be implemented throughout the construction activities to protect downstream receiving surface waters. Permanent BMPs are discussed more in the following section, stormwater management.

Groundwater: Based on Minnesota Department of Health (MDH) mapping, there is one wellhead protection area (WPA) located near the Town of Roscoe. Based on a review of the drinking water supply management area (DWSMA) mapping, it has been determined that the proposed storm water best management practices (BMPs) in the area are located within a classified "Low vulnerability" area.

Stormwater Management: The project will result in a net increase of approximately 32.5 acres of new impervious surface area. To mitigate for runoff rate/volume increases, best management practices (BMPs) will be installed on the project. A required water quality volume of 2.34 acre-feet is needed to meet NPDES/SDS Construction Permit requirements. The preliminary design incorporates several infiltration and retention basins throughout the project limits. A more detailed storm water runoff and treatment plan has been developed which addresses both mitigating runoff rate increases and water quality treatment.

Water appropriation: Temporary dewatering may be required during construction. Should dewatering become required and exceed the Minnesota permit threshold of withdrawing more than 10,000 gallons of water per day or 1 million gallons per year, a water appropriation permit application will be completed and submitted to the MnDNR for approval prior to any dewatering activities taking place. Dewatering will comply with the Minnesota Pollution Control Agency (MPCA) National Pollutant Discharge Elimination System (NPDES) Construction Storm Water Permit, and shall be discharged in a manner that does not create nuisance conditions or adversely affect the receiving water or downstream properties. No known private or permanent public wells will be affected or installed by the project.

Wetlands and wet ditches: The project will impact approximately 18.1 acres of wetland within 36 wetlands. Wetlands and water courses are prevalent along most of the TH 23 corridor and the project was designed to avoid these features through careful selection of the lane expansion locations.

Floodplain: The project will result in minor floodplain encroachment in three locations in Zone A and/or 100-year floodplain (1% annual chance of flooding). The project will not result in any significant floodplain impacts. All roadway grades will be designed above the 100-year flood elevation, no significant adverse impact on natural and beneficial floodplain values should result from the project, and no significant increased risk of flooding will result. This project is not anticipated to result in any incompatible floodplain development. Appropriate coordination and permitting will occur to ensure the project complies with floodplain and shoreland regulations.

- 3.3.1.3 Contamination: A review of the Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Agriculture (MDA) databases was conducted to determine if known contaminated sites exist in the project area. Based on this review, it was determined that the project has a low to medium risk of impacting potentially contaminated sites. The rural and minimally developed area of the project decreases the chances of encountering hazardous materials (contaminated soil and/or groundwater). Based on the database review, there are two former MDA spill sites within approximately 500 feet of the project area. These sites are located outside of the construction limits and proposed right of way.

As the final design develops, excavation locations and depths will be used by MnDOT in determining whether a Phase II Drilling Investigation is needed for any portion of the project. If necessary, a plan will be developed for properly handling and treating contaminated soil and/or groundwater during construction in accordance with all applicable state and federal requirements.

All solid wastes generated by construction of the proposed project will be disposed of properly in a permitted, licensed solid waste facility. Project demolition of concrete, asphalt, and other potentially recyclable construction materials will be directed to the appropriate storage, crushing, or renovation facility for recycling. Any contaminated spills or leaks that occur during construction are the responsibility of the contractor and would be responded to according to the MPCA containment and remedial action procedures.

- 3.3.1.4 Fish, Wildlife, Plant Communities and Sensitive Ecological Resources: The project is not anticipated to have any substantial adverse impacts to fish or wildlife. While substantial right of way acquisition will be required, it will occur immediately adjacent to the existing roadway; therefore, wildlife corridors will not experience further fragmentation. Impacts to plant communities are from temporary construction activities, clearing, and grubbing. Design elements and other efforts integrated into the project are intended to minimize and mitigate potential impacts to these resources.

Where reasonable and feasible, design modifications have been incorporated into the design of the proposed roadway improvements to avoid and minimize impacts to fish and wildlife habitat. Wildlife-friendly erosion control materials will be used where applicable. Work Exclusion Dates established by MnDNR within the General Public Waters Work Permit (GP 2004-0001) will be followed. Further, the MPCA NPDES General Stormwater Permit for Construction Activity (MNR10001) recognizes the Work Exclusion Dates.

Vegetation protection measures will be based on MnDOT Standard Specification 2572, including but not limited to temporary fence (2572.3A.1) and clean root cutting (2572.3A.2). Additional coordination will occur with the MnDOT Office of Environmental Stewardship to ensure best practices are followed to minimize impacts to the areas with high significance of biodiversity. Revegetation of disturbed soils should include native mixes in areas that are not proposed for mowed turf grass.

The project will impact approximately 14.2 acres of the Roscoe Waterfowl Production Area (WPA), located adjacent to the project area near the western end of the project termini. Managed by the the U.S. Fish and Wildlife Service (FWS), WPAs provide habitats for a variety of waterfowl, shorebirds, grassland birds, plants, insects and wildlife. Ongoing coordination between MnDOT and FWS will occur to mitigate the project's impact to the WPA.

Given the location of the proposed project, the project is not anticipated to adversely affect any known occurrences of rare features. Per the US Fish and Wildlife Service/ MnDNR available data, there are no documented roost trees or hibernacula for the northern long-eared bat in the project area. Section 7 consultation with the US Fish and Wildlife Service will be required because of federal wetland permitting needs.

- 3.3.1.5 Historic: MnDOT projects with no federal involvement (funding, permitting, or licensing) do not require Section 106 review, but require MnDOT Cultural Resources Unit review under the Minnesota Historic Sites Act, the Minnesota Private Cemeteries Act, and the Minnesota Field Archaeology Act. The review includes findings related to archaeological, historic, and architecturally significant properties.

The findings of the investigations identified that the project area has no properties currently listed on the NRHP, and zero sites of archeological significance were identified. A Phase II

Architectural History Inventory indicated that four properties including three contributing to a historic district, are recommended as potentially eligible for NRHP listing. A 1.5-mile Munson Township segment of the 1886 St. Cloud, Mankato & Austin Railroad (later St. Paul, Minneapolis & Manitoba and Great Northern, now the Glacial Lakes State Trail) is recommended as eligible for listing on the MRHP under Criterion A in the areas of Transportation, Agriculture and Commerce. The proposed transportation improvements will relocate approximately 0.75 miles of the Glacial Lakes Trail moving the corridor approximately 200 feet to the north, whereby impacting the original railroad corridor. Through correspondence with MnDOT Cultural Resource Unit and the Army Corps of Engineers, measures were taken to avoid an adverse effect on these properties, under Section 106 regulations, in the event that federal funds are received.

The Phase II evaluation recommended that the St. Agnes Church and Rectory (SN-RCC-006) and St. Agnes Cemetery (SN-RCC-007) are potentially eligible for the NRHP as contributing to the St. Agnes Church Historic District under Criterion A. Although situated outside the TH 23 APE, the properties were evaluated because they are at the edge of the historic Town of Roscoe and the St. Agnes church steeple is visible from TH 23 as approached from the east and west. Study found that the project will have no effect on the setting of the church property or views to the northeast, including those of the historic church steeple.

- 3.3.1.6 Visual: While there will be minor visual impacts where roadways are realigned, the project is adjacent to and consistent with the existing Highway 23 alignment, and minor impacts to the viewshed are coherent with the existing highway corridor environment. No substantial impact to the visual resources of the natural, cultural, and project environments are anticipated. Visual quality will, therefore, not be altered by the project.

The project will not create any vapor plumes, glare, or intense lighting and will have minimal light and visual impacts.

- 3.3.1.7 Construction Noise and Dust: Construction related activities will result in temporary noise level increases associated with construction equipment. The duration of the project is anticipated to last up to two full construction seasons with work occurring during daylight hours. High-impact noise construction activities will be limited in duration to the greatest extent possible.

Dust generated during construction will be minimized through standard dust control measures such as applying water to exposed soils and limiting the extent and duration of exposed soil conditions. Construction contractors will be required to control dust and other airborne particulates in accordance with MnDOT specification in place at the time of project construction. After construction is complete, dust levels are anticipated to be minimal because all soil surfaces exposed during construction would be in permanent cover (i.e., paved or re-vegetated areas). During construction, particulate emissions will temporarily increase due to the generation of fugitive dust associated with activities such as grading and other soil disturbance. The following dust control measures will be considered as appropriate:

- Minimize the duration and extent of areas being exposed or regraded at any one time.
- Spray construction areas and haul roads with water, especially during periods of high wind or high levels of construction activity.

- Minimize the use of vehicles on unpaved surfaces when feasible.
- Tarp trucks hauling soil, sand, and other loose materials or require trucks to maintain at least two feet of freeboard.
- Pave, apply water as needed, or apply (non-toxic) soil stabilizers on unpaved access roads, parking areas and staging areas at construction sites.
- Use water sweepers to sweep paved access roads, parking areas and staging areas at construction sites.
- Use water sweepers to sweep streets if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads.
- Utilize appropriate erosion control measures to reduce silt runoff to public roadways.
- Replant vegetation as quickly as possible to minimize erosion in disturbed areas.
- Use alternative fuels for construction equipment when feasible.
- Minimize equipment idling time.
- Maintain properly tuned equipment.

3.3.1.8 Social Impacts: Vehicular travel patterns have the potential to shift slightly as a result of the project due to construction and potential detours. The project will provide a positive long-term social impact for residents, businesses, and the greater regional community. By adding capacity, mobility along the TH 23 corridor will improve. Associated quality of life improvements include: decreased delays in travel time; improved air quality due to reductions in motor vehicle idling; and improved emergency response travel time reliability.

3.3.1.9 Considerations Relating to Pedestrians and Bicyclists: The MnDOT Bicycle and Pedestrian Section was contacted to provide review and comments. The Statewide Bicycle System outreach map was also reviewed. The map from spring 2014 shows multiple comments and routes marked by users within the project area. Bicycle and pedestrian travel will be impacted during construction. If bicyclists will only be able to ride on the trail, information on the alternate route and/or detour for users will be needed before and during construction.

3.3.1.10 Summary finding with respect to these criteria: MnDOT finds that the project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts to the resources evaluated in the EAW and in the Findings summary above. Project impacts will be mitigated as described in the EAW and in the Findings above.

3.3.2 Cumulative Potential Effects of Related or Reasonably Foreseeable Future Projects

Stearns County has no immediate future public works projects that would interact with the environmental effects of the proposed project area.

A foreseeable project planned by MnDOT is the expansion of the remaining 2-lane gap of TH 23. In 2014, Highway 23 received funds through the Corridors of Commerce program to complete the environmental review and layout for expanding the segment of TH 23 between

the existing four-lane highway section located near New London to the south end of the Paynesville bypass from two-lanes to four-lanes. The environmental review and preliminary layout for the TH 23 South Gap Project has been completed. The next phase in the project development process, including right-of-way acquisition and detail design, will begin when funds become available. Currently, there is no funding available for the construction at this time.

The TH 23 South Gap Project mentioned above was considered in the EAW (see EAW Item 19, pages 46). No potentially significant cumulative effects were identified. The project is not believed to cause any anticipated adverse environmental impacts that have not been addressed. Any future projects will be required to meet all applicable regulations and permits.

3.3.3 Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

3.3.3.1 The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies (including the coordination and approvals described in Section 3.3.1 above) and will be subject to the plan approval and permitting processes. Permits and approvals that have been obtained or may be required prior to project construction include those listed in **Table 1**.

The permits listed in **Table 1** include general and specific requirements for mitigation of environmental effects of the project. Therefore, MnDOT finds that the environmental effects of the project are subject to mitigation by ongoing regulatory authority.

Table 1– Agency Approvals and Permits

Permit/Approval Type	Unit of Government	Action Required
Federal		
Section 106 (Historical/Archaeological)	U.S. Army Corps of Engineers	Determination Pending
Section 404 Permit	U.S. Army Corps of Engineers	Approval
Section 7 Review	U.S. Army Corps of Engineers	Consultation
State		
EAW Document	MnDOT	Approval
EIS Need Decision	MnDOT	Findings of Fact & Conclusions
Construction Plans – Roadway/Geometric Layout	MnDOT	Approval
MN Wetland Conservation Act (Replacement Plan)	MnDOT	Submittal
Public Waters Work Permit (General Permit 2004-0001)	MnDNR	Permit
Cultural Resources Review (Historic/Archaeological)	MnDOT	Consultation
Section 401 Water Quality Certification	MPCA	Certification
NPDES Construction Stormwater Permit	MPCA	Permit

Local

Stormwater Management Plan	County Government	Coordination
Erosion and Sediment Control Plan	County Government	Coordination
Plan Review	Local Government/District/Commission	Coordination
Watershed District Approval	North Fork Crow River Watershed District, Middle Fork Crow River Watershed District	Approval

3.3.4 Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies

3.3.4.1 MnDOT has extensive experience in roadway construction. Many similar projects have been designed and constructed throughout the area encompassed by this governmental agency. Design and construction staff is familiar with the project area.

3.3.4.2 No problems are anticipated which MnDOT staff have not encountered and successfully solved many times on similar projects in or near the project area. MnDOT finds that the environmental effects of the project can be anticipated and controlled as a result of the assessment of potential issues during the environmental review process and MnDOT's experience in addressing similar issues on previous projects.

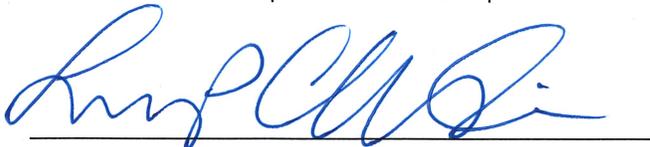
4.0 CONCLUSIONS

1. The Minnesota Department of Transportation has jurisdiction in determining the need for an environmental impact statement on this project.
2. All requirements for environmental review of the proposed project have been met.
3. The EAW and the permit development processes to date related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
4. Areas where potential environmental effects have been identified will be addressed during final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance. Mitigative measures will be incorporated into project design, and have been or will be coordinated with local, state and federal agencies during the permit processes.
5. Based on the criteria in Minnesota Rules part 4410.1700, subp. 7, the project does not have the potential for significant environmental effects.
6. An Environmental Impact Statement is not required for the TH 23 North Gap: 2-Lane to 4-Lane Conversion Project from Paynesville to Richmond.
7. Any findings that might properly be termed conclusions and any conclusions that might properly be called findings are hereby adopted as such.

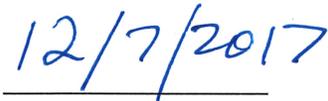
Based on the Findings of Fact and Conclusions contained herein and on the entire record:

The Minnesota Department of Transportation hereby determines that the TH 23 North Gap: 2-Lane to 4-Lane Conversion Project from Paynesville to Richmond will not result in significant environmental impacts, and that the project does not require the preparation of an environmental impact statement.

For Minnesota Department of Transportation



Lynn P. Clarkowski, PE
MnDOT Chief Environmental Officer



Date

APPENDIX A – EAW Publication and Notification Materials

- **EQB Notice of Availability**
- **EAW Distribution Memo**
 - **Media Release**

EQB Notice of Availability

EQB Announcements

EQB Board Meeting, October 18, 2017

The EQB will hold its monthly meeting on October 18, 2017. The meeting will discuss the Request to terminate the Minnesota Sands, LLC and/or Minnesota Proppant, LLC Multi Site Environmental Impact Statement for the silica sand mines. The proposed meeting agenda and additional information, including details for the live webcast, can be found on the [EQB website](#).

Environmental Assessment Worksheets

Project Title: Highway 23 North Gap:2-lane to 4-lane Conversion Project from Paynesville to Richmond

Comment Deadline: November 15, 2017

Project Description: The project will convert TH 23 from the City of Paynesville to the City of Richmond from its current configuration as a two-lane highway section, to a four-lane divided highway section. The project length is approximately 8.7 miles and is located within Stearns County.

Responsible Governmental Unit (RGU): Minnesota Department of Transportation

RGU Contact Person:

Ryan Barney
MnDOT Project Manager
2505 Transportation Road
Willmar, MN 56201
320-214-6324
ryan.barney@state.mn.us

Project Title: Chester Creek Trout Unlimited Restoration Project



EAW Distribution Memo



District 8
2505 Transportation Road
Willmar, MN 56201

October 12, 2017

RE: Highway 23 North Gap EAW Notice of Availability

To Whom It May Concern:

The Highway 23 North Gap Project is approximately 8.7 miles in length. The project area spans the portion of Highway 23 from the north end of the City of Paynesville Bypass to the City of Richmond. The proposed transportation improvements will provide additional capacity, improve the movement of freight, increase roadway safety, and provide the design consistency of a four-lane rural highway.

The EAW, which assesses the potential environmental impacts of the project, will be available to view electronically at <http://www.mndot.gov/d8/projects/hwy23gapappaynesvillerichmond> and during business hours at the following locations:

MnDOT District 8 - Willmar
2505 Transportation Road
Willmar, MN 56201

New London Library
15 Ash Street NE
New London, MN 56273

MnDOT District 3 – Saint Cloud
3725 12th Street N
St. Cloud, MN 56303-2107

Great River Regional Library
63 Hall Avenue SW
Richmond, MN 56368

NOTICE IS FURTHER GIVEN that a 30-day public comment period for the EAW shall begin on Monday, October 16, 2017. The purpose of this notice is to provide agencies, citizens, and other project stakeholders the opportunity to comment on the EAW. A public open house will be held on November 1, 2017 in the gymnasium at the Church of Saints Peter & Paul, 110 Central Avenue North, Richmond MN 56368. Individuals or representatives of organizations are encouraged to submit written comments prior to 4:00 p.m. on Wednesday, November 15, 2017.

Copies of the EAW are being distributed to agencies on the current Minnesota EQB list and to other interested parties. Please submit written comments to the contact person listed below. Contact Person for Comments on the EAW and Questions about the Proposed Project:

Lance Kalthoff
MnDOT Project Engineer
2505 Transportation Road
Willmar, MN 56201
(320) 214-6352
lance.kalthoff@state.mn.us

Ryan Barney
MnDOT Project Manager
2505 Transportation Road
Willmar, MN 56201
(320) 214-6324
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Media Release

News Release

October 13, 2017

Contact: Mandi Lighthizer-Schmidt, Public Affairs Coordinator

Office: 320-214-6426

Cell: 320-212-6132

mandi.lighthizer-schmidt@state.mn.us

Open house for Highway 23 Paynesville to Richmond project set for November 1

WILLMAR, Minn. – Area residents and business owners are invited to attend an open house Wednesday, November 1, to view the Environmental Assessment Worksheet (EAW) and current project layouts for the proposed Highway 23 2-lane to 4-lane expansion from Paynesville to Richmond.

The open house will be held from 4:00-6:00 p.m. at the St. Peter and Paul School Gymnasium (111 Central Avenue North) in Richmond, MN. There will be no formal presentation, but participants will be able to meet with Minnesota Department of Transportation staff and make comments.

Highway 23 is an important interregional corridor that is a key artery for the regional economy. The project involves the expansion of Highway 23 from 2-lane to 4-lane from Paynesville to Richmond. The project length is approximately 7 miles and will provide additional capacity, improve the movement of freight and increase road safety.

The EAW, which assess the potential environmental impacts of the project, examines the purpose and need for the proposed improvements to Highway 23, along with the anticipated social, economic and environmental effects if the project is constructed. The EAW will be available to view electronically at www.mndot.gov/d8/projects/hwy23gappaynesvillerichmond and during business hours at the following locations:

MnDOT District 8

2505 Transportation Road
Willmar, MN 56201

Willmar Public Library
410 Fifth St. SW
Willmar, MN 56201

The 30-day public comment period for the EAW begins on Oct. 16, 2017. Individuals are encouraged to submit written comments prior to 4:00 p.m. on November 15, 2017. Please submit comments to:

Lance Kalthoff
MnDOT Project Manager
2505 Transportation Road
Willmar, MN 56021
320-214-6352
lance.kalthoff@state.mn.us

To request an ASL or foreign language interpreter, or other reasonable accommodation, call Janet Miller at 651-366-4720 or 1-800-657-3774 (Greater Minnesota), 711 or 1-800-627-3529 (Minnesota Relay). You also may send an email to ADArequest.dot@state.mn.us. Please request at least one week in advance, if possible.

For updated road condition information, call 511 or visit www.511mn.org.

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www.mndot.gov

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APPENDIX B - EAW Comments and Responses

The EAW for the TH 23 North Gap: 2-Lane to 4-Lane Conversion Project from Paynesville to Richmond was distributed on October 12, 2017 to agencies and organizations on the official distribution list, as well as additional agencies/organizations that had either requested a copy of the document, and/or that could be affected by the proposed project. The comment period for the EAW officially closed at the end of the business day on November 15, 2017.

During the agency and public review and comment period, MnDOT received comments on the EAW from one state agency. One comment was received from the public.

Consistent with state environmental review rules, substantive comments received are responded to in this appendix, as part of the Findings of Fact and Conclusions for the project record. Specifically, responses have been prepared for substantive statements pertaining to analysis conducted for and documented in the EAW, including: incorrect, incomplete or unclear information; permit requirements; content requirements. These comments and responses are included on the following pages. Written comments agreeing with the EAW project information, general opinions, statements of fact, or statements of preference were not formally responded to, are also included.

Comments and Responses to Those Comments

This section contains the comments and written responses to all comments received from the following individuals/agencies during the public comment period:

- Marie and Tim Lingl (Open House Attendees)
- Minnesota Pollution Control Agency

Comments	Response
<p>Open House Attendee</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p style="text-align: center;">Highway 23 North Gap - Paynesville to Richmond</p> <p style="text-align: center; background-color: #cccccc;">COMMENTS & FEEDBACK</p> <p>* NAME <u>Marie & Tim Liagl</u> * PHONE _____</p> <p>* EMAIL <u>marie.liagl@hotmail.com</u></p> <p>* ADDRESS <u>20337 Becker Lake Circle, Richmond, MN</u></p> <p>(* Indicates optional) Check the box if you would like to be contacted: <input type="checkbox"/></p> <p>COMMENTS: <u>Berm or sound barrier between Hwy 23 & Becker Lake Circle</u> 1</p> <p><u>Safer way to get to walking trail from Becker Lake Circle</u> 2</p> </div> <p>Please leave your feedback in the comment box tonight or mail in with this pre-addressed card. Comments may also be directed to Lance Kalthoff, MnDOT Project Manager, by email at lance.kalthoff@state.mn.us or by phone at (320) 214-6352. Your feedback will be shared with project staff and included in the project record. Find more information and sign up for email updates at the project website: mndot.gov/d8/projects/hwy23gapaynesvillerichmond</p>	<ol style="list-style-type: none"> 1. A Traffic Noise Analysis was completed for the project. Noise impacts were analyzed and no noise barriers were found to be cost effective. The construction of a berm was not found to be feasible due to anticipated impacts on stormwater management. 2. During the final design phase, MnDOT will review the need for a bicycle and pedestrian crossing at Becker Lake Circle and TH 23 as well as the different applications that will be considered.

Comments	Response
<p>Minnesota Pollution Control Agency (page 1)</p>  <p>520 Lafayette Road North St. Paul, Minnesota 55155-4194 651-296-6300 800-657-3864 Use your preferred relay service info.pca@state.mn.us Equal Opportunity Employer</p> <p>November 14, 2017</p> <p>Ryan Barney, PE Minnesota Department of Transportation District 8 MnDOT Project Manager 2505 Transportation Road Willmar, MN 56201</p> <p>Re: Trunk Highway 23 North Gap: 2-Lane to 4-Lane Conversion Project from Paynesville to Richmond Environmental Assessment Worksheet</p> <p>Dear Ryan Barney:</p> <p>Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Trunk Highway 23 North Gap: 2-Lane to 4-Lane Conversion Project from Paynesville to Richmond project (Project) in Stearns County, Minnesota. The Project consists of conversion of 8.7 miles of the existing 2-lane highway to a 4-lane divided highway. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.</p> <p>Water Resources (Item 11)</p> <ul style="list-style-type: none"> • To reduce or eliminate total suspended solids conveyance during construction, additional in-water best management practices such as silt curtains, construction during winter conditions or low flow periods, and coffer or check dams, should also be included in the EAW. 1 • There appears to be an error in Table 4 of the EAW. Please note that a portion of Kolling Creek that crosses Trunk Highway 23 is impaired for construction stormwater related impairments. The impairment will dictate additional increased stormwater treatment during construction and require additional increased permanent treatment post construction. These requirements will be included in the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit. The Project proposer should determine that compliance with these increased stormwater water quality treatments can be achieved on the Project site or elsewhere. Information regarding the MPCA's Construction Stormwater Program can be found on the MPCA's website at http://www.pca.state.mn.us/water/stormwater/stormwater-c.html. Questions regarding Construction Stormwater Permit requirements should be directed to Roberta Getman at 507-206-2629. 2 <p>We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the</p>	<ol style="list-style-type: none"> 1. Erosion and sediment control best management practices (BMPs) will be included in the Stormwater Pollution Prevention Plan (SWPPP) in compliance with the NPDES/SDS permit. Construction schedule and phasing is to be determined. 2. Correction is noted. We acknowledge that a portion of Kolling Creek that crosses Trunk Highway 23 is impaired for construction stormwater related impairments. Per the NPDES/SDS Construction Stormwater Permit Appendix A.C.2, the water quality volume that must be retained on site by the project's permanent stormwater management system shall be one (1) inch of runoff from the new impervious surfaces created by the project. This water quality volume requirement is identical to the water quality volume requirement applicable to projects discharging to non-impaired or special waters and is meet for the project. <p>The Stormwater Pollution Prevention Plan (SWPPP) will need to contain a 7 day maximum stabilization requirement of exposed soils draining to Kolling Creek and comply with temporary sedimentation basin requirements described in Part III.C of the NPDES/SDS Construction Stormwater Permit.</p>

Comments	Response
<p>Minnesota Pollution Control Agency (page 2)</p> <p>Ryan Barney, PE Page 2 November 14, 2017</p> <p>purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.</p> <p>Sincerely,</p>  <p>Karen Kromar Planner Principal Environmental Review Unit Resource Management and Assistance Division</p> <p>KK:bt</p> <p>cc: Dan Card, MPCA, St. Paul Bill Wilde, MPCA, St. Paul Reed Larson, MPCA, Brainerd</p>	N/A